



# Update on Alameda County Court Case

Los Angeles Integrated Waste Management Task Force  
November 20, 2014

# Alameda County Ordinance

- The first local ordinance in the United States to require producers to establish a pharmaceutical collection program.
- The ordinance requires producers that distribute, offer for sale, or sell covered drugs in Alameda County to operate take-back programs, either individually or as part of a group.
- Producers must pay for all administrative and operational fees associated with the program and submit a Product Stewardship Plan for each program
- The Product Stewardship Plans must be approved by Alameda County Department of Environmental Health and must include:
  - Collection of all unwanted products, regardless of who produced it
  - Public education and promotion of the program
  - Support to Law Enforcement for the collection of controlled substances
  - Annual reporting
  - Hauling by medical or hazardous waste hauler
  - Disposal by incineration
- An annual report to the Alameda County Department of Environmental Health is required, and penalties will apply for violations and non-compliance.

# Alameda County Ordinance Timeline

**September  
2013**

Northern  
California  
U.S. District  
Court found  
that the  
ordinance did  
not violate  
the U.S.  
Constitution

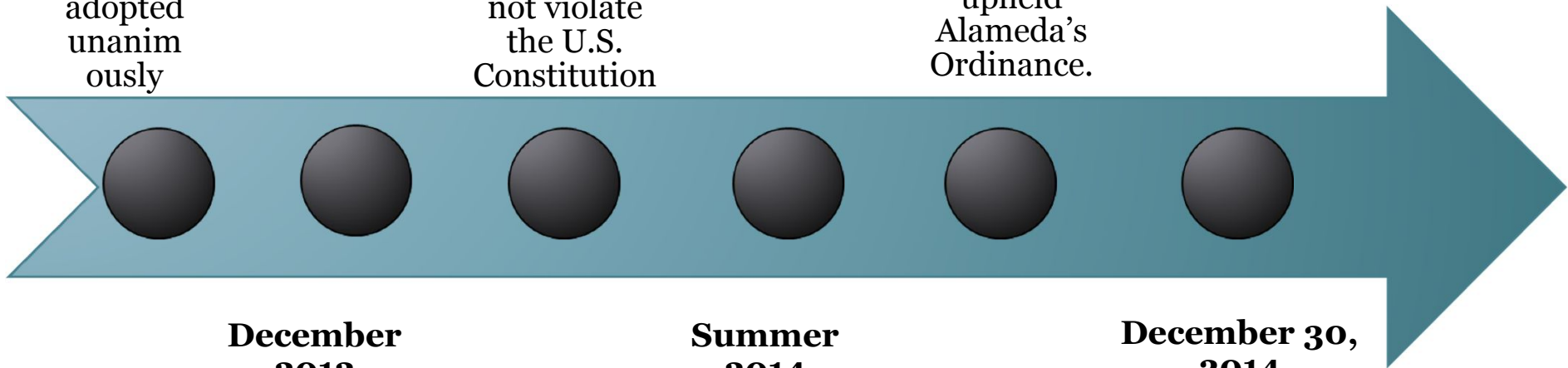
**September  
2014** Ninth  
Circuit U.S.  
Court of  
Appeals  
upheld  
Alameda's  
Ordinance.

**July  
2012**  
Ordinan  
ce  
adopted  
unanim  
ously

**December  
2012**  
PhARMA,.  
sues  
Alameda  
County

**Summer  
2014**  
PhARMA  
appeal's  
Northern  
District  
ruling

**December 30,  
2014**  
Deadline for  
PhARMA to file  
suit with  
Supreme Court



# Similar Ordinances

## **King County, Washington**

- On June 20, 2013, the King County Board passed the Secure Medication Return Rule & Regulation drug take-back program for King County residents.
- Program promotes the safe disposal of unused prescription and over-the-counter drugs, and will be funded and operated by the drug manufacturers.
- On November 27, 2013, four groups of major drug manufacturers resisted the program and sued the County.

# Similar Ordinances

## San Francisco, California

- In 2010, the City of San Francisco introduced a Safe Drug Disposal Ordinance but held the Ordinance in light of the Alameda law suit.
- Instead, with funding from PhARMA, they launched a pilot medicine take-back program with the 13 voluntary pharmacy collection sites.
- In May 2011, a separate Ordinance was passed to supplement the PhARMA-funded pilot program requiring non-participating pharmacies to advertise voluntary collection sites.
- Following the U.S. Ninth Circuit Court of Appeals ruling upholding Alameda's ordinance, San Francisco reintroduced the Ordinance to be heard in committee before the full Board considers it.

# How do they compare?

## Comparison of Ordinances by the Counties of Alameda, King and San Francisco:

<b>Question</b>	<b>Alameda County Safe Medication Disposal Ordinance Adopted 7/24/12</b>	<b>King County Secure Medicine Return Ordinance Adopted 6/20/13</b>	<b>San Francisco (not passed) Safe Drug Disposal Ordinance</b>
Are over-the-counter medications covered?	<b>No</b>	<b>Yes</b>	<b>Yes</b>
Are vitamins/ supplements covered?	<b>No</b>	<b>No</b>	<b>Yes</b>
Are controlled substances covered?	<b>Yes, partially, special provisions for how controlled are handled.</b>	<b>Yes</b>	<b>No, controlleds must be phased in after Federal rules final</b>
Will producers pay 100% of the program hard costs?	<b>Yes</b>	<b>No – The County funds collection bins up to maximum of 400 bins.</b>	<b>Yes</b>

Will it have convenience standards, and if so what?	<b>No</b> , but an explanation of how the system will be convenient and adequate to serve the needs of residents is required in the plan.	<b>Yes</b> – Every retail pharmacy and law enforcement office that volunteers must be included in the system. If a jurisdiction does not have at least 1 site plus one additional site for every 30,000 population, then producers must also provide periodic collection events or mail-back services, or some combination.	<b>No</b> , but an explanation of how the system will be convenient and adequate to serve the needs of residents is required in the plan.
Will it require a public education/outreach program?	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Will pharmacies be required to (1) host bins, or (2) advertise the program?	<b>No</b>	<b>No</b> , all potential collectors will participate voluntarily.	<b>No</b> , the separate Safe Drug Disposal Information ordinance requires pharmacies to display ads for the collection program.
Will it allow producers to charge visible fees?	<b>No</b>	<b>No</b>	<b>No</b>
Will it provide oversight fees to reimburse costs incurred by the public agency?	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Allows the public agency to assess a penalty/ fine?	<b>Yes</b> , max. penalty of \$1,000/day.	<b>Yes</b> , max.penalty of \$2,000/ day.	<b>Yes</b> , \$50-\$500 per day fines/up to 6 mo. Jail.

# Task Force letter to the LA County Board of Supervisors (April 5, 2010)

*80 percent of the streams surveyed had measurable concentrations of prescription and nonprescription drugs, steroids, and reproductive hormones.*

*Unused/expired medications can enter the sewer system ending up in a wastewater treatment plant*

*Highlighted the County's responsibility under the *Clean Water Act* to address illegal/improper discharge of pollutants into its flood control and*

*Departments of Health Services and Public Health together annually spent over \$180 million on the purchase of pharmaceuticals and \$2.5 million on the purchase of sharps and pay a third party vendor to dispose.*

*Encouraged the County to use its purchasing power leverage to negotiate the take back of home-generated sharps waste and unused/expired pharmaceuticals by those vendors used by the County.*

*The Task Force expressed this would be an effective way to:*

- *help County residents in properly managing pharmaceutical waste*
- *protect public safety and the environment*
- *reduce the financial burden on the County*
- *encouraging manufacturers to take responsibility*

*An ordinance would be consistent with the Board's November 5, 2008 action in support of extended producer responsibility and "essential in making further strides in waste reduction..."*



# Los Angeles County Support of EPR

Los Angeles County Board of Supervisors adopted an EPR Resolution on November 5, 2008.

County joined California Product Stewardship Council (CPSC) as a Board Member soon after.

Due to potential costs, health impacts associated with expired pharmaceutical, and drugs being improperly disposed down the drain, the Department of Public Health convened a meeting with several County departments and a representative of the CPSC to discuss feasibility of establishing a take-back program.

County has increased efforts to support and explore EPR legislation at the State and local level.

Letters of support of pharmaceutical legislation such as SB 727 and SB 1014 have been sent by Public Health, Public Works, and the Sheriff Department.

On December 9, 2014, the Departments of Public Health as the lead agency will reconvene to explore the feasibility of establishing a County EPR Ordinance, which is consistent with the Roadmap recently adopted by the Board.



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